

LAMONICA HERBST & MANISCALCO, LLP
Proposed General Counsel to the Chapter 7 Trustee
3305 Jerusalem Avenue, Suite 201
Wantagh, New York 11793
Telephone: 516-826-6500
Jacquelyn S. Loftin, Esq.

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
In re:

Chapter 7

YJ SIMCO LLC,

Case No. 25-10437 (LGB)

Debtor.
-----X

**SUPPLEMENTAL DECLARATION IN SUPPORT OF THE CHAPTER 7 TRUSTEE'S
APPLICATION FOR AN ORDER AUTHORIZING AND APPROVING THE
RETENTION OF LAMONICA HERBST & MANISCALCO, LLP AS GENERAL
COUNSEL TO THE CHAPTER 7 TRUSTEE EFFECTIVE DATE AS OF MAY 16, 2025**

JACQUelyn S. LOFTIN, ESQ., declares as follows pursuant to 28 U.S.C. § 1746:

1. I am a partner of the law firm of LaMonica Herbst & Maniscalco, LLP ("LH&M"), which maintains its offices at 3305 Jerusalem Avenue, Suite 201, Wantagh, New York 11793. I am duly admitted to practice law before this Court and the courts of the State of New York.

2. I submit this supplemental declaration in support of the application ("Application")¹ of Gregory M. Messer, solely in his capacity as the Chapter 7 Trustee ("Trustee") of the bankruptcy estate of YJ Simco LLC ("Debtor"), seeking entry of an Order, pursuant to Bankruptcy Code section 327(a) and Bankruptcy Rule 2014, approving the retention of LH&M as his General Counsel effective as of May 16, 2025 ("Retention Date").

3. The facts set forth herein are based upon personal knowledge, my review of information on the docket in this case, as well as information that has been provided to me. To the

¹ Capitalized terms not otherwise defined herein shall have the definition ascribed to them in the Application.

extent any information disclosed herein requires the subsequent amendment or modification of this supplemental declaration upon LH&M's completion of further review and analysis or as additional party-in-interest information becomes available to it, a supplemental declaration disclosing such information will be filed with the Court reflecting such amended or modified information.

1. The Trustee requested that LH&M represent him as his general counsel in this case, to assist him with, inter alia, disposition of the Debtor's membership interest in 1055 Park Ave 1 LLC and 1055 Park Ave PH LLC, as well as Unit 1 and the PH. At the Trustee's request, LH&M began providing legal services to the Trustee as of the Retention Date.

2. LH&M possesses the requisite experience and expertise to advise the Trustee as his general counsel in this case. LH&M has extensive experience representing chapter 7 and chapter 11 trustees and is well versed in the chapter 7 process. LH&M submits that its employment is essential to the Trustee's effective and efficient administration of the Debtor's bankruptcy estate.

3. In preparing this Declaration, I used a set of procedures developed by LH&M to ensure compliance with the Bankruptcy Code and the Bankruptcy Rules regarding the employment of professionals by a trustee under the Bankruptcy Code. I, along with my partners and associates of LH&M, conducted a search of LH&M's client database to determine whether LH&M had any connections to the Debtor, its creditors, any other party in interest, their respective attorneys and accountants, the United States Trustee or any person employed in the office of the United States Trustee.

4. After review of the Debtor's creditor matrix and the docket, annexed as Exhibit "A", it has been determined that the Trustee and LH&M are not connected with any creditor listed.

5. To the best of my knowledge, LH&M does not, by reason of any direct or indirect relationship to or connection with the Debtor, hold or represent any interest adverse to the Debtor or to the Debtor's bankruptcy estate.

6. After review of the United States Bankruptcy Court for the Southern District of New York's website, it has been determined that the Trustee and LH&M are not connected to, or affiliated with, Judge Lisa G. Beckerman or any of the Judge's staff members, including Courtroom Deputy, Chantel Barrett and Law Clerks, Patrick Morley, Austin Park and Taylor Fogg.

7. After review of the United States Department of Justice's Website for Region 2, staff directory for the Manhattan, it has been determined that the Trustee and LH&M are not connected to, or affiliated with, the United States Trustee, William K. Harrington, or any person employed in the office of the United States Trustee, that is listed on the staff directory.

8. To the best of my knowledge, after due inquiry, neither LH&M nor any partner, counsel or associate of LH&M represents any entity or party in interest other than the Trustee in connection with this case.

9. To the best of my knowledge, LH&M is a "disinterested person" as that term is defined in Bankruptcy Code section 101(14), in that LH&M: (a) is not a creditor, an equity security holder, or an insider of the Debtor; (b) is not and was not, within 2 years before the date of the filing of the petition, a director, officer, or employee of the Debtor; and (c) does not have an interest materially adverse to the interests of the Debtor's bankruptcy estate or of any class of creditors or equity security holders, by reason of any direct or indirect relationship to, connection with, or interest in the Debtor, or for any other reason.

10. Prior to the Retention Date, LH&M did not render any professional services to the Trustee in this case. LH&M represents or has represented Gregory M. Messer in other matters

unrelated to this case, including representing Gregory M. Messer in those cases in which he serves as Chapter 7 Trustee and Chapter 11 Trustee.

11. Based upon the foregoing, LH&M does not believe that it is conflicted from representing the Trustee in this case. LH&M regularly updates its client database and does not open any new matter without reviewing the information necessary to check each such matter for conflicts, including the identity of the prospective client, the matter, and related and adverse parties.

12. LH&M will apply to the Court for allowance of compensation and reimbursement of expenses in accordance with applicable provisions of the Bankruptcy Code, the Bankruptcy Rules, the Local Bankruptcy Rules for the Southern District of New York, the Local Bankruptcy Rules for the Southern District of New York and Orders of the Court.

13. The Trustee seeks to employ LH&M on an hourly basis. LH&M's current hourly rates are as follows: (a) up to two hundred twenty-five dollars (\$225.00) for para-professionals; (b) up to four hundred and seventy-five dollars (\$475.00) for associates; and (c) up to seven hundred and twenty-five dollars (\$725.00) for partners.

14. Neither I, nor LH&M, nor any partner or associate thereof has received or been promised any compensation for legal services rendered or to be rendered in any capacity in connection with this case other than as permitted by the Bankruptcy Code, the Bankruptcy Rules, the Local Rules and applicable law.

15. LH&M has not agreed nor will it agree to share compensation received in connection with this case with any other person, except as permitted by the Bankruptcy Code § 504(b) of the Bankruptcy Code and Bankruptcy Rule 2016 in respect of the sharing of compensation among partners of LH&M.

Executed under penalty of perjury this June 23rd day of June 2025.

s/ Jacquelyn S. Loftin
Jacquelyn S. Loftin, Esq.

Exhibit A

Debtor

YJ Simco LLC

Debtor's Counsel

Charles Wertman, Esq.

Chambers

Honorable Chief Judge Martin Glenn
Courtroom Deputy: Deanna Anderson
Law Clerks:
Arielle Ambra-Juarez
Aileen Ramia
Ata Nalbantoglu

Judge Lisa G. Beckerman
Courtroom Deputy: Chantel Barrett
Law Clerks:
Patrick Morley
Austin Park
Taylor Fogg

Judge Philip Bentley
Courtroom Deputy: Greg White
Courtroom Deputy (for Chapter 13 matters):
Vanessa Ashmeade
Law Clerks:
Mira Haqqani
Brian McElroy
Helin Azizoglu

Judge James L. Garrity, Jr.
Courtroom Deputy: Willie Rodriguez
Law Clerks:
Zachary Sipala
Natasha Fisher
Yong Cui

Judge David S. Jones
Courtroom Deputy: Lynda Calderon
Law Clerks:
Kate Christensen
Vincent Puzak
Oyin Falana

Judge Sean H. Lane
Courtroom Deputy: Liza Ebanks
Law Clerks:
Christine Azzaro
Alana Lyman
Sean Johannsen

Judge John P. Mastando III
Courtroom Deputy: Maria Rodriguez-Castillo
Law Clerks:
Reema Lateef
William Schwartz
Jiawei Lin

Judge Cecelia G. Morris
Courtroom Deputy: Tracey Mercado
Divisional Manager: Frances Fredericks
Law Clerk: Tessa Ptucha

Judge Kyu Y. (Mike) Paek
Courtroom Deputy: Vanessa Ashmeade
Division Manager: Frances Fredericks
Law Clerks:
Graham Fisher
Bryan Garcia

Judge Michael E. Wiles
Courtroom Deputy: Jacqueline DePierola
Law Clerks:
Lorraine Echevarria
Alexandra Trombitas

Office of the United States Trustee

William K. Harrington
Linda A. Rifkin
Victor Abriano
Mark Bruh
Amanda D. Cassara
Shara Cornell
Nadkarni Joseph
Brian S. Masumoto
Ercilia A. Mendoza
Mary V. Moroney
Alaba Ogunleye
Ilusion Rodriguez
Daniel Rudewicz
Andrea B. Schwartz
Paul K. Schwartzberg
Sylvester Sharp
Rachael E. Siegel
Tara Tiantian
Andy Velez-Rivera
Madeleine Vescovacci
Valentina Vlasova
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Notices of Appearance

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Creditors Filing Proofs of Claim:

Internal Revenue Service
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Philadelphia, PA 19101-7346

All known Creditors:

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